

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 04-21-08

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MINMETALS SHIPPING & FORWARDING
CO. LTD.

Plaintiff,

ECF CASE

08 Civ. 3533 (RWS)

**AMENDED EX PARTE ORDER
OF MARITIME ATTACHMENT**

- against -

HBC HAMBURG BULK CARRIERS
GmbH, & Co.KG

Defendant

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WHEREAS, on April 11, 2008, Plaintiff, MINMETALS SHIPPING & FORWARDING CO. LTD. filed a Verified Complaint herein for damages amounting to \$1,981,689.00 inclusive of interest, cost and reasonable attorneys' fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS, on April 18, 2008, Plaintiff filed an Amended Verified Complaint herein for damages amounting to \$2,710,928.00 inclusive of interest, cost and reasonable attorneys' fees, and praying for the issuance of Amended Process of Maritime Attachment and Garnishment

pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS, the Amended Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendant's property within the District of this Court up to the amount of \$2,710,928.00; and

WHEREAS, the Court has reviewed the Amended Verified Complaint and the supporting affidavit, and the conditions of the Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that Amended Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for the Defendant by any garnishees within this District, including but not limited to, JPMORGAN CHASE BANK, UBS AG, CITIBANK, N.A., BANK OF NEW YORK, BANK OF AMERICA, HSBC BANK, DEUTSCHE BANK, WACHOVIA BANK, BARCLAYS, BNP PARIBAS, AMERICAN EXPRESS BANK and STANDARD CHARTERED BANK, and in an amount up to and including \$2,710,928.00 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

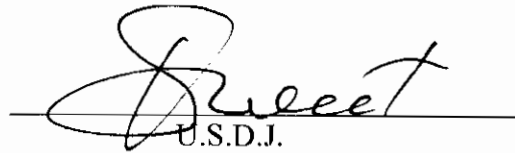
ORDERED that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Amended Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or by electronic mail to any garnishee; and it is further

ORDERED that service on any garnishee described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

ORDERED that a copy of this Order be attached to and served with said Amended Process of Maritime Attachment and Garnishment.

Dated: New York, New York
April 17, 2008


U.S.D.J.
4.21.08